

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 30TH NOVEMBER 2006 / 9TH AGRAHAYANA 1928

WP(C).No. 31754 of 2006(E)

PETITIONER:

KOLLAM DISTRICT CO-OPERATIVE BANK LTD.,
P.B.NO.130, HEAD OFFICE, KOLLAM, REPRESENTED BY
ITS GENERAL MANAGER.

BY ADV. SRI.P.B.SURESH KUMAR

RESPONDENTS:

1. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.
2. THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
OFFICE OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
THIRUVANANTHAPURAM.
3. THE JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL), KOLLAM, OFFICE OF THE
JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES, KOLLAM.

BY SENIOR GOVERNMENT PLEADER, SRI P.N.SANTHOSH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 30/11/2006, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

J.M.JAMES, J.

W.P.(C) No. 31754 of 2006 (E)

Dated this the 30th day of November, 2006

J U D G M E N T

The second respondent, Registrar of Co-operative Societies, Thiruvananthapuram, has issued Exhibit P7 communication dated 22/11/2006, directing the writ petitioner, Kollam District Co-operative Bank Ltd., to terminate the services of the persons engaged as Data Entry Operators, on daily/piece rate wages basis, and report compliance, within seven days, is under challenge, through this writ petition.

2. The counsel for the writ petitioner submits that in order to computerise the Kollam District Co-operative Bank, as has been suggested by the State Co-operative Bank, the computerisation commenced with an agreement that had been entered with NEST Systems Private Limited. Accordingly, they have supplied 91 temporary workers for engaging them in the District Co-operative Bank. Their wages are being paid by the bank, as agreed between them -- Rs.200/- for every working day and Re.1/- per each document.

3. The learned Senior Government Pleader submits that there is one sanctioned post of Data Entry Operator, which has not been filled up from the year 1998 and, the engagement of temporary workers in the bank shall only be through an Employment Exchange and not through private establishments. Therefore, the engagement of 91 Data Entry Operators by the Kollam District Co-operative Bank, is against law. Hence, the direction of the Registrar to terminate the services is only to be upheld.

4. The counsel for the writ petitioner, however, submits that this has been done at the instance of the apex body, the State Co-operative Bank, Thiruvananthapuram, and the system "Flex cube", the software used, is the same as that of the one used by the apex body. It is also further submitted that there is no malpractice as apprehended by the Registrar.

5. After considering the materials on record, I direct the Registrar or his authorised officer, to inspect the Kollam District Co-operative Bank and its branches, where the computerisation and data conversion work are going on. The inspection can be on all aspects. After assessing the works so

far done and the amount so far spent, the Registrar shall pass appropriate orders, thereafter. Till such time, the computerisation and data conversion work that had been initiated by the writ petitioner, shall be continued. Exhibit P7 order dated 22/11/2006, is modified to that effect. The final order that would be passed, shall be after hearing the writ petitioner as well.

The writ petition is disposed of as above.

(J.M.JAMES)
Judge

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